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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,580	10/30/2003	Yoichiro Sako		8336
7590	04/20/2005		EXAMINER	VUONG, BACH Q
Jay H. Maioli Cooper & Dunham LLP 1185 Avenue of the Americas New York, NY 10036			ART UNIT	PAPER NUMBER
			2653	

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/697,580	SAKO ET AL.	
	Examiner Bach Q. Vuong	Art Unit 2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 November 2004.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 10-14 and 44-46 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 10-14 and 44-46 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. 09/601,733.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

This communication is responsive to an amendment filed on 11/22/2004

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 10-14 and 44-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Ozaki et al. (US 5,696,757).

Ozaki et al., according to Figs. 6, 14, 21 and 26, show a recording apparatus for an optical recording medium comprising all features of the claimed invention as interpreted below:

Regarding claim 10, see Figs. 6, 14, 21 and 26 which show a recording apparatus for an optical recording medium, comprising: a light source (see laser Oscillator 68) for outputting a recording laser beam; a light modulator (see optical modulator 54) for modulating the recording laser beam outputted from the light source based on supplied first data; a light deflector (see optical deflector 66) for deflecting based on supplied second data the modulated recording laser beam outputting from the light modulator and producing a variable offset from a track center in a radial direction of the disc-shaped optical recording medium (see irregular pits in Fig. 6); and an objective lens (see objective lens 70) for converging the modulated recording laser beam that is outputted from the light deflector with variable offset from a track center in a radial direction onto the disc-shaped optical recording medium (see Figs. 6 and 14 for details).

Regarding claim 11, see Figs. 6, 14, 21 and 26 which show a recording apparatus for an optical recording medium further comprising a signal processing unit (see CPU 58) for forming the first data and the second data based on supplied data.

Regarding claim 12, see Figs. 14, 21 and 26 which show a recording apparatus for an optical recording medium further comprising: a first driving unit (see Driver 52) to which the first data is supplied from the signal processing unit and that drive the light modulator; and a second driving unit (see Driver 64) to which the second data is supplied from the signal processing unit that drives the light deflector.

Regarding claim 13, see Figs. 14, 21 and 26 which show a recording apparatus for an optical recording medium wherein the signal processing unit (see CPU 58) forms the first data (see optical modulator 54) based on main data that is recorded on the optical recording medium and forms the second data (see optical deflector 66) based on additional data of the main data that is recorded on the optical recording medium.

Regarding claim 14, see Figs. 14, 21 and 26 which show a recording apparatus for an optical recording medium wherein the signal processing unit forms the first data based on upper bits of main data that is recorded on the optical recording medium and forms the second data based on lower bits of the main data (see column 18, line 31 through column 19, line 29).

Regarding claim 44, see Figs. 6, 14, 21 and 26 which show a recording method for a disc-shaped optical recording medium, comprising the steps of: modulating a recording laser beam outputting from a light source based on supplied first data and producing a modulated recording laser beam (see optical modulator 54); deflecting based on supplied second data the modulated recording laser beam and producing variable offset from a track center in a radial

direction of the disc-shaped optical recording medium (see FG 62, optical deflector driver 64 and optical deflector 66); and converging the modulated and deflected recording laser beam with the variable offset from a track center in a radial direction onto the disc-shaped optical recording medium by an objective lens (see objective lens 70).

Regarding claim 45, see Figs. 6, 14, 21 and 26 which show a recording method for an optical recording medium wherein the first data (see optical modulator 54) is formed based on main data that is recorded onto the optical recording medium and the second data (see optical deflector 66) is formed based on additional data of the main data is recorded on the optical recording medium.

Regarding claim 46, see Figs. 6, 14, 21 and 26 which show a recording method for an optical recording medium wherein the first data is formed based on upper bits of the main data that is recorded data is formed based on lower bits of the main data that is recorded on the optical recording medium (see column 18, line 31 through column 19, line 29).

Response To Arguments

In response to Applicant's arguments filed 11/22/2004 related to the rejection under 35 USC-102(b) as being anticipated by Ozaki et al. (US 5,696,757), Applicant's attention is drawn to Figs. 6 and 14 which clearly disclose that a light deflector based on second data (see wobbling signal, deflector driver 64 and optical deflector 66 in Fig. 14) for deflecting a modulated laser beam and producing a variable offset from a track center (see irregular pits in Fig. 6 which are deviated upwardly and downwardly from a track center. The optical deflector thus, based on wobbling signal, produces a variable offset from a track center).

Accordingly, Ozaki et al. apparently disclose all features as recited in the claimed invention. Therefore, the rejection applied to the claimed invention is maintained.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bach Q. Vuong whose telephone number is (571) 272-7596. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-5789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BV
April 17, 2005


THANG V. TRAN
PRIMARY EXAMINER